

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MONTGOMERY DIVISION**

**IN RE**

**VICTOR ASHLEY CLARK,**

**Debtor,**

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**Case No. 16-31528  
Chapter 13**

**NOTICE OF DEBTOR'S FAILURE TO CURE DEFAULT  
UNDER CONSENT ORDER CONDITIONALLY DENYING  
MOTION FOR RELIEF FROM AUTOMATIC STAY**

THE COURT entered a Consent Order on September 8, 2017, upon the Motion of Select Portfolio Servicing, Inc., as Servicing Agent for DLJ Mortgage Capital, Inc. for relief from the automatic stay. Doc. No. 40. Pursuant to the Order, if Debtor defaulted in the terms thereof, Movant was required to provide a notice to the Debtor and an opportunity to cure such default.

Movant, U.S. Bank Trust National Association, as successor to Select Portfolio Servicing, Inc., as Servicing Agent for DLJ Mortgage Capital, Inc., provided Notice of Default and Right to Cure on August 8, 2019. See Exhibit A. More than twenty (20) days have elapsed and Debtor has failed to cure the default as set forth in the Notice.

Therefore, pursuant to the Consent Order, the automatic stay is deemed to have terminated automatically on the real property commonly known as 721 Wehring Lane, Phenix

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City, AL 36869 without further order of the court.

This 2nd day of October, 2019.

Respectfully submitted,  
/s/ Mark A. Baker  
ASB 2549-E57M

McMICHAEL TAYLOR GRAY, LLC  
3550 Engineering Drive, Suite 260  
Peachtree Corners, GA 30092  
Telephone: (404) 474-7149  
Facsimile: (404) 745-8121  
E-mail: [mbaker@mtglaw.com](mailto:mbaker@mtglaw.com)  
Attorneys for Movant

## CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing **NOTICE OF DEBTOR'S FAILURE TO CURE DEFAULT UNDER CONSENT ORDER CONDITIONALLY DENYING MOTION FOR RELIEF FROM AUTOMATIC STAY** to the parties listed below by placing a copy of the same in the United States Mail first-class, postage prepaid, on the 2nd day of October, 2019. Debtor's counsel and Chapter 13 Trustee were served with this Motion via electronic filing issued by the Court Clerk to the email address on record with the Court.

VIA CM/ECF:

Michael Brock  
Brock & Stout, LLC  
P.O. Drawer 311167  
Enterprise, AL 36331

Trustee  
Sabrina L. McKinney  
P. O. Box 173  
Montgomery, AL 36101

and the following by regular U.S. Mail addressed to:

Debtor  
~~Victor~~ Ashley Clark  
721 Wehring Lane  
Phenix City, AL 36869

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Mark A. Baker  
Mark A. Baker, Bar No. ASB-2549-E57M  
Attorney for Movant

McMICHAEL TAYLOR GRAY, LLC  
3550 Engineering Drive, Suite 260  
Peachtree Corners, GA 30092

# **EXHIBIT A**



3550 Engineering Drive|Suite 260|Peachtree Corners, GA 30092  
Office: 404-474-7149|Fax: 404-745-8121

August 8, 2019

Victor Ashley Clark  
721 Wehring Lane  
Phenix City, AL 36869

Michael Brock  
Brock & Stout, LLC  
P.O. Drawer 311167  
Enterprise, AL 36331

RE: **Victor Ashley Clark**, Chapter 13 Case No. **16-31528**  
Subject Property: 721 Wehring Lane, Phenix City, AL 36869  
**NOTICE OF DEFAULT UNDER ORDER ENTERED September 8, 2017**  
**DATE OF ISSUANCE OF NOTICE:** August 8, 2019

Dear Mr. Clark and Mr. Brock:

We represent BSI FINANCIAL SERVICES., AS SERVICING AGENT FOR U.S. Bank Trust National Association, Successor by Transfer to DLJ MORTGAGE CAPITAL, INC. (Doc. No. 49), their successors and/or assigns ("Creditor"). Please be advised that the Debtor is in default under the terms of the **ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY FILED BY SELECT PORTFOLIO SERVICING, INC., AS SERVICING AGENT FOR DLJ MORTGAGE CAPITAL, INC.** entered **September 8, 2017** (the "Order"), in that the Debtor has failed to make the post-petition payments required under the Order for the months of April 14, 2019, through July 14, 2019, a total of **\$3,127.33**, comprised as follows: four (4) payments of \$784.09 each (\$3,136.36) and less suspense balance of \$9.03. Please be advised that an additional payment of \$781.09 comes due August 14, 2019. A copy of the Order is attached for your information.

Pursuant to the Order, you have twenty (20) days from the date of this Notice by which to cure the default by payment of **\$3,127.33**. If you fail to cure the default within the time provided, the automatic stay provided by 11 U.S.C. Section 362(a) and 11 U.S.C. Section 1301(a) will be deemed lifted without further Order from the Court, and Creditor shall thereafter shall be free to enforce any and all of its respective rights, title and interest in and to the aforementioned

property, including, but not limited to, foreclosure, in accordance with the provisions of the note and mortgage and the laws of the State of Alabama.

GOVERN YOURSELF ACCORDINGLY.

Very truly yours,  
/s/ Mark A. Baker  
Mark A. Baker

MAB/wp  
Enclosure